



RCE/24w

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

REQUEST FOR CONTINUED EXAMINATION (RCE)

TRANSMITTAL FORM (37 C.F.R. § 1.114)

DOCKET NO. 13402/5	APPLICATION SERIAL NO. 09/773,148	EXAMINER Frantz B. Jean	ART UNIT 2151
------------------------------	---	-----------------------------------	-------------------------

INVENTOR(S): **Babak REZVANI et al.**

Address to:

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on

Date: April 12, 2006

Signature: *Chy Li*

This is a **request for continued examination** under 37 C.F.R. § 1.114 (RCE) of pending application Serial No. **09/773,148**, filed on **January 31, 2001**, entitled **METHOD AND SYSTEM FOR ADAPTIVELY SETTING A DATA REFRESH INTERVAL**.

The following constitute the submission **required** by 37 C.F.R. § 1.114(a) and is attached:

- ☒ **Amendment**
☐ **Information Disclosure Statement and Form PTO-1449**
☐ **Drawing Changes**
☐ **Other Submission:** _____

1. The filing fee for this RCE and the required amendment/submission is calculated below. The fee below is calculated based on the status of the claims after the entry of the attached amendment/submission. The fee for any new additional claims is included with this RCE, the fee for previously entered additional claims having already been paid.

	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA*	RATE (\$) PER CLAIM	FEE (\$)
BASIC FEE						790.00
TOTAL CLAIMS	38		36	2	x \$50.00	100.00
INDEPENDENT CLAIMS	6		4	2	x \$200.00	400.00
MULTIPLE DEPENDENT CLAIM	0		0	0	\$360.00	0.00
HONDIM1 00000047 110600 09773148 395.00 DA				*Number extra must be zero or larger	TOTAL	1290.00
	If Applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.				SMALL ENTITY TOTAL	645.00

2. Please charge the required RCE and submission small entity filing fee of **\$395.00** and the extra total/independent claims small entity filing fee of **\$250.00** to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**.
3. A Notice of Appeal was filed with the U.S. Patent and Trademark Office on September 7, 2005 in response to the Final Office Action dated March 7, 2005. The Notice of Appeal was received by the U.S. Patent and Trademark Office on September 12, 2005 setting a 2-month deadline for filing of an appeal brief expiring on November 12, 2005. Applicant respectfully requests a **five-month** extension of time in which to respond. The extended period expires **April 12, 2006**. The Commissioner is hereby authorized to charge the small-entity five-month extension fee of **\$1,080.00** to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**.
4. The Commissioner is also authorized to charge payment of any additional fees (including any extension fees) required in connection with this communication or arising during the pendency of this application, or to credit any overpayment, to the deposit account of Kenyon & Kenyon, deposit account number **11-0600**.
5. A duplicate of this transmittal form is enclosed.

Dated: April 12, 2006

By: Respectfully submitted,



Clifford A. Ulrich (Reg. No. 42,194)

KENYON & KENYON LLP

One Broadway

New York, New York 10004

(212) 425-7200 (telephone)

(212) 425-5288 (facsimile)

CUSTOMER NO. 26646